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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/293,813 04/16/99 HARGIS

P 3176--IR--BK

INGERSOLL-RAND COMPANY  
PATENT DEPARTMENT  
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PM82/0320

EXAMINER

LISEHORA, J

ART UNIT

PAPER NUMBER

3673

DATE MAILED:

03/20/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/293,813

Applicant(s)  
Hargis et al

Examiner  
James A. Lisehora

Group Art Unit  
3673



☐ Responsive to communication(s) filed on \_\_\_\_\_.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-20 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-20 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 and the Preamble of claim 1 suggest that claims 1-8 are directed to the material flow modifying device, rather than to the combination of the screed assembly and the flow modifying device. However, the body of claim 1 requires a deflector member connected with the screed extension and having a flow surface facing toward the central axis of the main screed. Accordingly, the screed extension and the main screed are required elements of claims 1-8. The preamble of claims 1-8 should be amended to clearly indicate that the claims are directed to a combination which includes the screed extension and the main screed as well as the material flow modifying device. Claim 9 should be cancelled because it does not further limit the claim from which it depends.

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The body of claim 10 requires a first end disposed adjacent to the screed extension and a free end disposed proximal to the main screed. Accordingly, the preamble of claims 10-15 should be amended to reflect that the claims are directed to a combination of a device and a screed extension and a main screed, rather than just to the device.

Claim 17, line 1, it appears "screed extension" was intended to read --the screed extension--, and accordingly, the body of claim 17 also appears to require that the screed extension and the main screed are a part of the combination for which patent protection is sought. Accordingly, the preamble of claims 16 and 17 should be amended to clarify that the recited invention is a combination of the device and the screed extension and the main screed.

Claim 18 requires a first end disposed adjacent to the screed extension and a free end disposed proximal to the main screed. Accordingly, claim 18 requires the screed extension and the main screed as a part of the combination for which patent protection is sought, and the preamble of claims 18-20 should be amended to reflect that the claims are directed to the combination of the device with the recited screed extension and the recited main screed.

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*Allowable Subject Matter*

Claims 1-20 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office action.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record fails to teach or suggest all of the features recited in independent claims 1, 10, 16, and 18.

Specifically regarding claim 1, the prior art fails to teach or suggest a deflector member connected with a screed extension as particularly recited and having a flow surface facing toward the central axis of the main screed as particularly recited, contactable with paving material on the base surface and configured to displace the paving material toward the central axis when the paving machine moves in the intended travel direction.

Specifically regarding claim 10, the prior art of record fails to teach the particularly recited deflector member, adjacent to the recited screed extension and having a second, free end disposed proximal to the recited main screed.

Specifically regarding claim 16, the prior art of record fails to teach or suggest the particularly recited combination of:

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the deflector means as described in the present specification (or an equivalent thereof) for displacing paving material in a direction from the end of the screed extension and toward the central axis of the main screed; and

the attachment means as described in the present specification (or an equivalent thereof) for connecting the deflector means to the screed extension.

Specifically regarding claim 18, the prior art of record fails to teach or suggest the recited device including a deflector member having a first end disposed adjacent to the recited screed extension, a second, free end disposed proximal to the recited main screed, the second end being offset inwardly toward the central axis with respect to the first end, and a flow surface extending between the first and second ends and contactable with paving material on the base surface.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references to Birtchet (U.S. 3,680,451), Fisher et al (U.S. 3,907,451), and Sartain (U.S. 5,344,254) relate to various screed structures.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jim Lisehora whose telephone number is (703) 308-2145.

The fax phone number for this Group is (703) 305-3597.

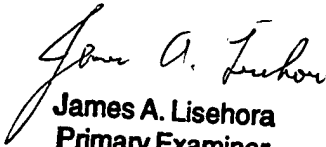
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.

JAL  
March 17, 2000

  
**James A. Lisehora**  
**Primary Examiner**